

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

United States Courts  
Southern District of Texas  
FILED

AUG 3 2005

Michael N. Milby, Clerk of Court

**JOHN B. BERRY, TRUSTEE**  
**Plaintiff**

**V.**

**WPS, INC. ET AL**  
**Defendants**

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**CIVIL ACTION NO. H-05-1101**  
**JURY**

**PLAINTIFF'S INITIAL DISCLOSURES**

To: SETH WILLIAMSON and WPS, INC., Defendants, through their attorneys of record, James R. Old, Jr. and James W. Henges, Germer Getz, LLP, PO Box 4915, Beaumont, TX 77704

Plaintiff, JOHN B. BERRY, TRUSTEE, makes these initial disclosures as required by Federal Rule of Civil Procedure 26(a)(1) .

**A. Individuals with Discoverable Information**

1. The names, addresses (work and home), and telephone numbers (work and home) of individuals likely to have discoverable information that Plaintiff may use to support his claims or defenses are:

- A. John B. Berry, Plaintiff herein  
PO Box 22030  
Houston, Texas 77227-2030  
713-749-3905

Mr. Berry has knowledge of the negotiations, the offer and acceptance by Defendants and the resulting contract; also his dealings with Defendants.

- B. George H. Reid  
PO Box 56443  
Houston TX 77256  
713-622-2750

Mr. Reid is a Consultant and has knowledge of the negotiations, the offer and

acceptance by Defendants and the resulting contract; also his dealings with Defendants.

- C. Seth Williamson, Individual Defendant; President of Corporate Defendant, Brian R. Engle, Executive Vice President, Scott Thomas, CFO and Secretary  
Other officers, agents and employees of WPS, Inc.  
1110 Unifab Rd., Suite A  
New Iberia, LA 70560  
337-560-7700

These persons are officers, agents and/or employees of Defendants and have knowledge of the negotiations between Plaintiff and Defendants, the contracts and agreements between Plaintiff and Defendants and the disputes which have arisen between Plaintiff and Defendants.

B. Relevant Documents & Tangible Things

2. The following is a list of documents, data compilations, and tangible things in Plaintiff's possession, custody, or control, described by category and location, that Plaintiff may use to support his claims or defenses:

- A. Sale and Leaseback Agreement dated December 28, 2004 between the parties.(Letter of Agreement)
- B. Leases and other instruments describing the leases and financial information, mostly furnished to Plaintiff by Defendants.
- C. Defendants' attempt to rescind the contract by letter dated December 30, 2004.
- D. Plaintiff's check for \$1,000.00 returned by Defendants.
- E. Defendant's corporate papers.
- F. Follow up papers and letters sent by Plaintiff to Defendant.
- G. Information obtained in future through discovery.

C. Information Related to Calculation of Damages

3. The following is a computation of Plaintiff's damages. All non-privileged documents


on which this computation is based are available for inspection and copying.

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|----|-----------------------------|-----------------|
| A. | Loss of bargain and profits | \$10,000,000.00 |
| B. | Attorney's fees (est.)      | \$500,000.00    |
| C. | Specific performance        |                 |

D. Insurance


4. All insurance agreements required to be disclosed are described below:  
None.

BOUSQUET & JACKSON, P.C.  
OF COUNSEL

  
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THOMAS G. BOUSQUET  
Federal Court No. 3285  
State Bar # 02717000  
5718 Westheimer #700  
Houston, Texas 77057  
(832) 251-3501  
(832) 242-5607(fax)  
ATTORNEY FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above instrument has been served, pursuant to Federal Court Rules by First Class U.S. Mail, Return Receipt Requested, postage pre-paid and properly addressed, to counsel of record for defendants, on this 1 day of August, 2005.

  
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THOMAS G. BOUSQUET